

# The Gazette of India



EXTRAORDINARY

PART II—Section 3

PUBLISHED BY AUTHORITY

---

No. 42 ] NEW DELHI, WEDNESDAY, JANUARY 29, 1958/MAGHA 9, 1879

---

## ELECTION COMMISSION, INDIA

### NOTIFICATION

*New Delhi, the 22nd January 1958/Magha 2, 1879 Saka*

**S.R.O. 546.**—Whereas the election of Shri Brij Raj Singh as a member of the House of the People from the Firozabad constituency, has been called in question by an election petition duly presented under Part VI of the Representation of the People Act, 1951 (43 of 1951), by Shri Raghubir Singh, Vijai Nagar Colony, Agra;

And whereas the Election Tribunal appointed by the Election Commission in pursuance of the provisions of section 86 of the said Act, for the trial of the said election petition, has, in pursuance of the provisions contained in section 103 of the said Act, sent a copy of its order in the said election petition to the Commission;

Now, therefore, in pursuance of the provisions of section 106 of the said Act, the Election Commission hereby publishes the said order of the Tribunal.

IN THE COURT OF THE ELECTION TRIBUNAL, MATHURA

PRESENT: Sri Fareed Alam Chisti, Member, Election Tribunal

ELECTION PETITION No. 177 of 1957

Sri Raghubir Singh.....Petitioner.

*Vs.*

Sri Brij Raj Singh.....Respondent.

### ORDER

This is a petition u/s 81 of the Representation of People Act, 43 of 1951 by Sri Raghubir Singh calling in question the election of the respondent to the House of People from Firozabad Parliamentary Constituency in Agra District for the General Seat in the last General Election: held on February 28, March 3, and March 6, 1957. The result was declared on March 7, 1957.

The petitioner prayed that the election of the respondent be declared void and he be disqualified on the basis of allegations of corrupt practices committed by him and by his agents with his consent detailed in the petition.

Issues were framed by my learned predecessor in office on October 15, 1957 and the hearing of the evidence for the petitioner was to start from January 6, 1958 and was to continue up to January 11, 1958. The dates fixed for the evidence of the respondent were from 13th to 18th of January, 1958.

The petitioner applied for adjournment of hearing due to death of his wife and on January 6, 1958 the hearing of his evidence was adjourned to January 11, 1958. On this date the petitioner again applied for adjournment on the ground that he could not give instruc-

tions to his Counsel and was again allowed time up to January 15, 1958, on payment of Rs. 100 as costs to the respondent. But today also he is absent and has also not paid the costs awarded to the respondent. His counsel has stated that he has received no instructions. I have waited up to 3.45 p.m. but the petitioner has not appeared. The respondent is ready with his Counsel. The burden of proof on all points raised for decision on the pleadings of the parties was on the petitioner which he has not cared to discharge.

The petition is dismissed with costs to the respondent. The costs are assessed at Rs. 600.

*Dated the 15th January, 1958.*

(Sd.) FAREED ALAM CHISHTI, Member,  
Election Tribunal, Mathura.

[No. 82/177/57.]

By Order,

A. KRISHNASWAMY AIYANGAR, Secy.